

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

Martin Demetrio Morales,                     )  
   )  
                  Plaintiff,                     )  
   )  
          v.                                     )     Case No. 1:13-cv-118  
   )  
Andrew Pallito,                                )  
   )  
                  Defendant.                    )

OPINION AND ORDER  
(Doc. 1)

Plaintiff Martin Demetrio Morales, a Vermont prisoner proceeding *pro se*, seeks to bring an action against DOC Commissioner Andrew Pallito. Now before the Court is Morales's motion to proceed *in forma pauperis*. Because Morales has made the showing of poverty required under 28 U.S.C. § 1915, his motion (Doc. 1) is GRANTED.

This case is one of over sixty new actions filed by Morales in this Court within the last month. The proposed Complaint is styled as an inmate civil rights action filed under 42 U.S.C. § 1983, but contains no facts or legal allegations. Morales makes reference in the proposed Complaint to an attachment, but the only attachment is a single-page, single-sentence assertion that Morales "attests to the following under the penalty of perjury." (Doc. 1-2 at 7.) The attachment is signed, but there are no further statements of fact, legal claims, or prayers for relief.

The Prison Litigation Reform Act, 28 U.S.C. § 1915A, requires the Court to conduct an initial screening of a

prisoner's *in forma pauperis* action, and to dismiss the case if it "(1) is frivolous, malicious, or fails to state a claim on which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." 28 U.S.C. § 1915(b); see also 28 U.S.C. § 1915(e)(2)(B). Because the proposed Complaint in this case fails to set forth any factual or legal basis for a claim, the case is DISMISSED without prejudice.

Dated at Brattleboro, in the District of Vermont, this 19<sup>th</sup> day of June, 2013.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
United States District Judge